

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 12
92ND GENERAL ASSEMBLY

Reported from the Committee on Judiciary May 9, 2003, with recommendation that the House Committee Substitute for Senate Bill No. 12 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

0406L.02C

AN ACT

To amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto two new sections, to be known as sections 1.302 and 1.307, to read as follows:

1.302. 1. A governmental authority may not restrict a person's free exercise of religion, unless:

(1) The restriction is in the form of a rule of general applicability, and does not discriminate against religion, or among religions; and

(2) The governmental authority demonstrates that application of the restriction to the person is essential to further a compelling governmental interest, and is not unduly restrictive considering the relevant circumstances.

2. As used in this section, "exercise of religion" shall be defined as an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

3. As used in this section "demonstrates" means meets the burden of going forward with the evidence and of persuasion.

1.307. 1. Sections 1.302 to 1.307 apply to all state and local laws, resolutions and ordinances and the implementation of such laws, resolutions, and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of sections 1.302 to 1.307.

2. Nothing in sections 1.302 to 1.307 shall be construed to authorize any government

6 to burden any religious belief, except that nothing in these sections shall be construed to
7 establish or eliminate a defense to a civil action or criminal prosecution based on a federal,
8 state, or local civil rights law.

9 3. Nothing in sections 1.302 to 1.307 shall be construed as allowing any person to
10 cause physical injury to another person, to possess a weapon otherwise prohibited by law,
11 to fail to provide monetary support for a child or to fail to provide health care for a child
12 suffering from a life threatening condition.

13 4. "Relevant circumstances" may include legitimate penological interests needed
14 to protect the safety and security of incarcerated persons and correctional facilities, but
15 shall not include reasonable requests by incarcerated individuals for the opportunity to
16 pray, reasonable access to clergy, use of religious materials that are not violent or profane,
17 and reasonable dietary requests.